

REMARKS

Reconsideration is respectfully requested. Claims 1-8, 10, 12 and 22-41 are pending. Claims 5, 26, and 36 are canceled with the entry of this amendment.

Rejections - 35 U.S.C. § 112, First Paragraph

Claims 3, 24, and 34 have been rejected as allegedly containing subject matter that was not described in the specification in such a way as to reasonably convey to one of skill in the relevant art that the inventors had possession of the claimed invention when the application was filed.

The Examiner has stated that the specification does not disclose using a second extract obtained from a genetically modified plant.

Applicants respectfully disagree with the rejection and the above statement. Support for this may be found throughout the specification. An example is on page 12, lines 30-33. "ii. Control substance/extract: The second type of extract is prepared from tissue of a *genetically modified* plant or animal and contains a mixture of plant or animal proteins, but lacks a heterologous protein." Thus, "a second plant extract containing substantially the same proteins as the first extract but lacking the heterologous protein" as described in the independent claims clearly includes the recitation "wherein the second extract is obtained from a genetically modified plant" as found in claims 3, 24, and 34 and such recitation clearly supported within the specification.

Claims 5, 26, and 36 have been rejected as allegedly containing subject matter that was not described in the specification in such a way as to reasonably convey to one of skill in the relevant art that the inventors had possession of the claimed invention when the application was filed.

The Examiner has stated that the specification does not disclose using the second extract to sensitize the newborn dogs. The Examiner has asserted that the original claim was directed to applying the first extract to a dog sensitized with the second extract and not sensitizing the dog with both the first and the second extracts. The examiner has further stated that the Example 2 does not support sensitizing the newborn dog with both the first and second extracts by applying the second extract to the skin of the newborn dog.

Applicants respectfully disagree with the Examiner's grounds for rejection and the above statements. However, in order to facilitate prosecution in this case applicants have canceled claims 5, 26, and 36, without prejudice or disclaimer. However, in the interests of clarifying our position in light of the Examiner's statements, the originally filed claim 5 was directed to applying the first extract to a dog sensitized with the second extract in step (d), which means that the first extract was still applied to a dog sensitized with the first extract in steps (a)-(c). Furthermore, page 12, line 22 to page 13, line 5 discusses three types of extracts that may be used to sensitize the dog, which includes variations of both the first extract and the second extract. Nowhere does the specification state that the first and second extract cannot be used together to sensitize the newborn dog. In fact, the specification specifically discloses sensitizing a newborn dog with multiple extracts beginning on page 17, line 15.

Thus, applicants respectfully request that the Examiner withdraw the § 112, first paragraph, rejections based upon the above remarks and amendments.

CONCLUSION

Applicant has amended the claims to address many of the issues raised by the Examiner. In light of these amendments and remarks, Applicant submits that all of the claims are in condition for allowance.

Should the Examiner have any remaining issues that remain to be resolved, the Examiner is encouraged to contact the undersigned by telephone.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 416272001500.

Respectfully submitted,

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